

## § 661.1

## 23 CFR Ch. I (4–1–03 Edition)

SOURCE: 64 FR 38572, July 19, 1999, unless otherwise noted.

### § 661.1 What is the purpose of this regulation?

The purpose of this regulation is to prescribe policies for project selection and fund allocation procedures for administering the Indian Reservation Road Bridge Program (IRRBP).

### § 661.3 Who must comply with this regulation?

Public authorities must comply to participate in the IRRBP by preparing plans, specification and estimates (PS&E) for deficient Indian Reservation Road (IRR) bridges and make application for construction funds for the replacement or rehabilitation of these bridges.

### § 661.5 What definitions apply to this regulation?

The following definitions apply to this regulation:

*Construction engineering (CE)* is the supervision and inspection of construction activities; additional staking functions considered necessary for effective control of the construction operations; testing materials incorporated into construction; checking shop drawings; and measurements needed for the preparation of pay estimates.

*Functional obsolescence (FO)* is the state or process of being one in which the deck geometry, load carrying capacity (comparison of the original design load to the State legal load), clearance, or approach roadway alignment no longer meets the usual criteria for the system of which it is an integral part.

*Indian reservation road* means a public road that is located within or provides access to an Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government, or Indian and Alaska Native villages, groups, or communities in which Indians and Alaskan Natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians.

*Indian reservation road bridge* means a structure located on an Indian reservation road (IRR), including supports, erected over a depression or an obstruction, such as water, a highway, or a railway, and having a track or passageway for carrying traffic or other moving loads, and having an opening measured along the center of the roadway of more than 20 feet between undercopings of abutments or spring lines of arches, or extreme ends of the openings for multiple boxes; it may also include multiple pipes, where the clear distance between openings is less than half of the smaller contiguous opening.

*Public authority* means a Federal, State, county, town, or township, Indian tribe, municipal or other local government or instrumentality with authority to finance, build, operate, or maintain toll or toll-free facilities.

*Public road* means any road or street under the jurisdiction of and maintained by a public authority and open to public travel.

*Structural deficient (SD) bridge* means a bridge that has been restricted to light vehicles only, is closed or requires immediate rehabilitation to remain open.

*Sufficiency rating (SR)* means the numerical rating of a bridge based on its structural adequacy and safety, essentiality for public use, and its serviceability and functional obsolescence.

### § 661.7 What is the Indian Reservation Road Bridge Program (IRRBP)?

Section 202(d)(4) of title 23, U.S.C., establishes a nationwide priority program for improving deficient Indian reservation road (IRR) bridges and reserves not less than \$13 million of IRR funds per year to replace and rehabilitate bridges that are in poor condition. This program which addresses the replacement of deficient IRR bridges is referred to as the IRRBP.

### § 661.9 How will the bridge project be funded/programmed once eligibility has been determined?

(a) Funding and/or programming of construction projects for IRR bridges would be based on the order of receipt of a complete application package, i.e., eligibility requirements met, PS&E

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package is complete, etc. All application packages would be placed in a queue upon submission to the BIADOT and date stamped. This submission queue would form the basis for prioritization during any fiscal year (FY). After the queue for the FY is filled up, that is, the IRRBP funding is used up, a queue for the following FY would be established.

(b) In those cases where application packages have arrived at the same time, application packages would be ranked and prioritized based on the following criteria:

- (1) Bridge sufficiency rating (SR);
- (2) Bridge status with structurally deficient (SD) having precedence over functionally obsolete (FO);
- (3) Bridges on school bus routes;
- (4) Detour length;
- (5) Average daily traffic; and
- (6) Truck average daily traffic.

### **§ 661.11 After a bridge project has been completed what happens with the excess or surplus funding?**

Since the funding is project specific, once a bridge construction project has been completed under this program, any excess or surplus funding would be returned to BIADOT/FHWA for use on additional approved deficient IRR bridge projects.

### **§ 661.13 What restrictions are there on the use of the IRRBP funds?**

The IRRBP funds can only be used for construction and construction engineering (CE) and may not be used for project development.

### **§ 661.15 What is the total funding available for the IRR Bridge Program?**

The statute provides a total program funding of not less than \$13 million for each fiscal year.

### **§ 661.17 When will these funds become available?**

These funds become available on October 1 of each fiscal year.

### **§ 661.19 When does an eligible project receive funding?**

The statute provides that these funds are provided after the Secretary of Transportation (FHWA) approves a completed PS&E.

### **§ 661.21 How long will these funds be available?**

The statute provides that the funds for each fiscal year are available for the year authorized plus three years (a total of four years).

### **§ 661.23 What can these IRR bridge funds be used for?**

The statute provides that these funds can be used to replace, rehabilitate, seismically retrofit, paint, apply calcium magnesium acetate to, apply sodium acetate/formate or other environmentally acceptable, minimally corrosive anti-icing and deicing compositions, or install scour countermeasures for deficient IRR bridges, including multiple pipe culverts.

### **§ 661.25 What are the criteria for bridge eligibility?**

(a) Bridge eligibility requires the following:

- (1) Have an opening of 20 feet or more;
- (2) Be on an IRR;
- (3) Be unsafe because of structural deficiencies, physical deterioration or functional obsolescence; and
- (4) Be recorded in the national bridge inventory (NBI) maintained by the FHWA.

(b) Bridges that were constructed, rehabilitated or replaced in the last 10 years, will be eligible only for seismic retrofit or installation of scour countermeasures.

### **§ 661.27 When is a bridge eligible for replacement?**

To be eligible for replacement, the bridge must be considered deficient for reasons of structural deficiency or functional obsolescence. Also, the bridge must have a sufficiency rating of less than 50 to be eligible for replacement.

### **§ 661.29 When is a bridge eligible for rehabilitation?**

To be eligible for rehabilitation, the bridge must be considered deficient for reasons of structural deficiency or functional obsolescence. Also, the bridge must have a sufficiency rating of less than or equal to 80 to be eligible for rehabilitation. A bridge would be eligible for replacement if the total life